UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,330	01/08/2001	Yueh-O Yu	JCLA6008	6728

23900   7590   08/10/2006

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER
VU, TUAN A

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/756,330	YU, YUEH-O
	Examiner	**Art Unit**	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 March 2006_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-4,6-9,11-16 and 18-29_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-4,6-9,11-16 and 18-29_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _8/6/06_ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 3/24/2006.

As indicated in Applicant's response, claims 1, 6-7,13 and 16 have been amended; and

claims 5, 10, 17 canceled. Claims 1-4, 6-9, 11-16, 18-29 are pending in the office action.

Specification

2.   The amendment filed 3/24/06 is objected to under 35 U.S.C. 132(a) because it introduces

new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new

matter into the disclosure of the invention. The added material which is not supported by the

original disclosure is as follows: the portions described as

'available products ... without ability to access an external storage device storing ... data

code' , OR

'available product ... without ability to access the storage device ... except through the

transmission medium' (see Specifications: pg. 6, lines 15-19; pg. 11, lines 5-7; pg. 11 bottom to

pg.12 top; pg. 14, li. 6-8.) are not reasonably conveyed in the original disclosure to be considered

herein as matter already disclosed.

The original disclosure mentions about a transmission medium that receives a update

personalized product from a storage device, and transmits the update program code or data code

to the personalized product; the personalized product having input/output end and port/interfaces

selectable by the user of the product, to facilitate/support communication between the

transmission medium and the user product and wherein the reprogrammed data code or program

code at the personalized product can be uploaded back to the storage device for other use or

multi-use. All this in conjunction with the original drawings does not enforce a situation where

the personalized product is necessarily without access capability to the storage device,

particularly when such ability to access is to be done only through the transmission medium.

There is no clear and explicit teaching on the communication means between the *storage device*

and the *personalized product* as originally disclosed, because the original disclosure merely

teaches that the reprogrammed program code is being uploadable back to the storage device

(Specifications, pg. 12-13); and when the Specifications depicts the interface of the personalized

product, there is no explicit requirement as to necessarily establish that the personalized product

thus equipped can only interface and communicate with the transmission medium (see

Specifications pg. 11) especially when there is also mention that the user can obtain the program

code from a network server or storage device (Specifications, pg. 7, bottom) and from the

transmission medium(Specs, pg. 15).

The added section from above are deemed new subject matter; and Applicant is required

to have this matter canceled so as to not further complicate the prosecution in case the claimed

invention makes use of any matter that is deemed as not coming from the original disclosure.

The prosecution of the merits of the claim will treat the effect of this new matter as if it had no

further weight beyond what the original specifications already teach.

Applicant is required to cancel the new matter in the reply to this Office Action.

3.   In the Amendment to the Specifications filed 9/9/2005, at page 13, the paragraph

beginning a line 17 has been amended to include 'further comprised in available products in the

market so as to ... stored data'. However, the amended Specifications as considered herein and

being part of an earlier request for consideration filed 1/27/2006 does not include the

Amendment from above.

Required clarification or resubmission is necessitated.

Claim Objections

4.   Claims 1, 7, 16 are objected to because of the following informalities: the limitation

about 'the personalized program code or data code ... enables a user to further ..., and is able to

be uploaded...' needs to be reconstructed to better express English usage.

If a data code or a program code enables a development by an user, it is considered to be

object to be uploaded by the environment that makes use of it; that is, the capability to upload

belongs to a machine or the user operating the machine, or working on the program data. The

data cannot be able to upload itself back to a remote location, i.e. correction would be, for

example, 'is operable for being uploaded' or 'is uploadable' or 'is uploaded'.

5.   The claims 1, 7, 16 recite 'to further develop the personalized product' (line 9; 9, 14 of

respective claims). One skill in the art would find confusing that a upgrade method or an

upgrade of data can allow furthering the development of a product as in 'to further develop the

personalized product'. The specifications mentions about downloaded software tools to enable

the user to develop code –e.g. as in a design mode-- so that the redeveloped code can be

uploaded; the design or developing by the user, for example, new interfaces – such as to

accommodating communication with the transmission medium; or variances of functions to

operate the personalized product like an exercise machine reconfiguration fitting age of the

operator. Hence, the limitation as to *further develop* thus recited in light of the Specifications

merely entails redeveloping of program or data code to operate some interfaces or reconfigure

some function of the personalized product. The personalized product itself cannot be developed

by the user because a personal device (as a market product) --which only receives code or data to

support the user's operational usage -- from above indicates that only additional data to use such

product can be reconfigured or reprogrammed; and that the product has been necessarily

provided from manufacturing source and made available as <u>finite</u> (on the market, like a watch, a

printer, or a game machine); that is, no further developing can be implemented on such finite

product. The terminology used needs to be rectified to convey what the Specifications teach.

6.   Claim 21 is objected for the following: the reciting of '<u>generates</u> ... a control signal

needed during the programmable memory <u>is being</u> programmed' requires some grammatical

readjustment because it seems to be joining two independent clauses having 2 action verbs; for

example, a correction can be 'needed for the process during which the programmable ... is being

programmed'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

8.   Claims 1-4, 6-9, 11-16, and 18-29 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled

in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.

Specifically, claim 1 recites 'available products ... without ability to access the storage

device' (line 12) and claims 7 and 16 recite 'available products ... without ability to access the

website' or 'without ability to access ... except through the transmission medium...'(line 11, 17, respectively). There is reciting of website connection and access of data therefrom and upload/storage of data therein in the specifications (specifications - pg. 11, 12); and but nowhere is there any explicit mention of 'available products' directly in conjunction with 'without ability to access the storage device so to further provide functions updating ability. As set forth above in the Objection to new matter, what has been identified as new matter in the Specifications is not given its weight. The original disclosure lacks this 'without ability' limitation, i.e. this 'without ability to access' limitation was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Thus, it will be treated as products with ability to upload/download data to and from a storage device.

Claims 2-4, 6, 8-9, 11-15, and 18-29 are also rejected for not remedying to the deficiencies of the base claims.

9.   Claim 16 recites 'a personalized circuit which *updates functions and information* according to the personalized program code ... stored in said programmable memory'(line 5). The Specifications mentions about a user downloading updated functions or information from a server to accommodate the user's needs for operating the personalized product (Specs, pg. 8). But the language of the claim from above about a circuit updates functions and information would not fit the Specifications according to which the circuit is to provide some control function (Specs pg. 13); that is, one skill in the art would not be able to construe a circuit that updates functions and information from a programmable memory from how the Specifications discloses this circuit in view of the updated functions downloaded by the user. The claim(s)

contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

Claims 18-29 are rejected for not remedying to the deficiencies implicating the recital of

'the circuitry which updates ...according... in said programmable memory'.

10.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

11.   Claims 1-4, 6-9, 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites 'for updating the function or data therein' (line 7); there is not sufficient

antecedent basis for what is termed as 'the function or data' since there is no previous

mentioning of any function in any device or product from the upper part of the claim.

Claim 7 also recites 'for updating the function or data therein' (line 6); and is rejected

likewise.

Claims 2-4, 6, and 8-15 are also rejected for not remedying to the above deficiencies.

12.   Claims 1 and 7 recite 'downloading a personalized ... code from a storage device ...

receiving the personalized ... code by a transmission medium... and transmitting the code to the

... product ... programming ... code received from said transmission medium into said

personalized product...'; all of which does not make it clear (i) on the source and destination for

the data being transferred in the act of (and timeframe of)*downloading* and (ii) on the context of

programming in light of user further developing. That is, for example, there are uncertainties as

to whether the downloading includes the receiving step, or is finished before the receiving step

begins; whether the receiving (by the transmission medium) step involves the very downloaded

data from above; and as to what entity is responsible for downloading and programming the

personalized code.

In other words, after the program code is received from the transmission medium and if

the programming is done by 'a user', then the 'enables a user to further develop' limitation

should indicate that the personalized program code as received into the personalized product is

reprogrammed via the very *programming* step from above by the very user of the personalized

product who can develop the code to allow the redeveloped program to be reused via upload,

because the limitations referred to as 'further develop' 'programming the personalized code',

'enables a user ...' seem very disjoint and there is no timeframe binding these disjoint elements.

Claims 3-4, 6, 8-9, 11-15 are also rejected for not remedying to the lack of definiteness as

pointed above.

13.   Claims 8 and 11 recite 'between the transmission medium and the *network server*'; there

is insufficient antecedent basis for 'the network server'.

14.   Claims 22-23 recite 'control circuit deals with ...' and there is no teaching in the

Specifications to clearly ascertain of the level of achievement construed by the action referred to

as 'deals with' in the context of the control circuit as disclosed in Fig. 7. That is, one skill in the

art would not be learned on the *metes* and *bounds* of any possible result yielded via the 'deals

with' action as interpreted from the language used.

Appropriate corrective action is required.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Note: 35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

16.   Claims 1-4, 6-9, 11-16, 18-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

Wells et al., USPubN: 2003/0228912 (hereinafter Wells).

As per claim 1, Wells discloses a method for updating personalized products (e.g.

customized - pg. 6, para 0043 – Note: target devices being verified with predetermined signature

or identification, address – see para 0036, 0040, 0043 – combined with the inherent ownership of

the gaming devices by a person – see *individual casino or similar locations* – is equivalent to

product being personalized, i.e. providing specific programs to certain authenticated target

devices owned by a person in whose name such target devices are being updated), comprising:

downloading a personalized program code (hereinafter PPC) from a storage device (e.g.

server 466 - Fig. 4);

receiving the personalized program code or data code by a transmission medium, and

then transmitting the code to programmable personalized products or PPD (e.g. *local server 114*

– Fig. 3; *Terminal 488* – Fig. 4; Fig. 1A-B –Note: Terminal reads on transmission medium); and

programming the personalized program code or data code received from said

transmission medium into said programmable personalized product for updating the function or

data therein (e.g. Figs. 1 – 5; pg. 6, para 0043-0046);

wherein the personalized program code or data code enables user to further develop the

personalized product (e.g. *changing features, upgrading, adding ... feature to a gaming*

terminal, standardization of programming - pg. 6 para 0043 – Note: code data being changed or

feature being added by game operators reads on data code being further developed by user; see

incorporated by reference application 09/172787, or USPN 6,488,585: col. 5, lines 12-33 – Note:

code being refurbished for release at a developers machine reads on designed by user of data

code or personalized program; *repairing, updating* - col. 9, lines 27-40 -);

the personalized program code or data being operable to be uploaded back to the storage

device (e.g. Fig. 1A; see para 0035: *incorporated by reference* -US Application: GAMING

DEVICE IDENTIFICATION METHOD and APPARATUS, application 09/172787, now

patented USPN: 6,488,585: col. 5, lines 12-33; *uploading* - col. 9, lines 27-40 – Note: code being

refurbished for release at a developers machine and **transferred for verification and storage** to

a central database reads on upload; and gaming regulating personnel sending game trouble report

back to central jurisdiction reads on upload; see *changing features, upgrading, adding ... feature*

to a gaming terminal, standardization of programming - pg. 6 para 0043; USPN: 6,488,585: col.

5, lines 12-33; *uploading* - col. 9, lines 27-40);

the personalized products (hereinafter PSP) are available products in the market and

indirectly accessing the storage device (e.g. Fig. 4; pg. 2, para 0017 – Note: without ability to

access in light of the Specifications of present Application is treated as not directly accessing the

a remote storage/server);

the transmission medium transmits the personalized program or data code to the PSP

through its interface and comprises a personal computer and a hand-held device (e.g. Fig. 4; pg.

2, para 0017; *local server 114* – Fig. 3; *Terminal 488* – Fig. 4).

As per claim 2, Wells discloses a storage device being a hard disk, a CD-ROM (Fig. 4).

As per claim 3, Wells discloses personalized program code or data code being provided

by a manufacturer (Fig. 4-5; *game manufacturers* - pg. 6, para 0043).

As per claim 4, Wells discloses that the personalized program code being developed and

provided by a user (e.g. pg. 6, para 0043; *customer order 472* – Fig. 4; *information file* - Fig. 5;

laptop 128, game controller board – Fig. 1A; pg. 3, para 0025, 0028 – Note: programming

information enabling user to program and control the security of the download and activation of

the downloaded reads on code being developed and provided by a user).

As per claim 6, Wells discloses transmission through an interface being a serial port

interface (e.g. Fig. 4; *port* – pg. 3, para 0030 – Note: communications port from computer to

gaming device implicitly discloses a serial/parallel port or USB port).

As per claim 7, Wells discloses a method for updating personalized products,

comprising:

downloading a personalized program code from a web site (e.g. *network* – pg. 3, para

0030; *server 466* - Fig. 4 – Note: network central server computer and workstation for

distribution of game products implicitly discloses communication between computers and web

sites)

receiving the personal program code or data code by a transmission medium, and then

transmitting the code to a programmable personalized product (e.g. *local server 114* – Fig. 3;

Terminal 488 – Fig. 4; Fig. 1A-B); and

programming the personalized code or data code received from said transmission

medium into said programmable personalized product for updating the function or data therein

(e.g. Figs. 1 – 5; pg. 6, para 0043-0046);

wherein the personalized program code or data code enables user to further develop the

personalized product (e.g. *changing features, upgrading, adding ... feature to a gaming*

terminal, standardization of programming - pg. 6 para 0043 – Note: code data being changed or

feature being added by game operators reads on data code being further developed by user; see

incorporated by reference application 09/172787, or USPN 6,488,585: col. 5, lines 12-33 – Note:

code being refurbished for release at a developers machine reads on designed by user of data

code or personalized program; *repairing, updating* - col. 9, lines 27-40 -);

the personalized program code or data being operable to be uploaded back to the storage

device (e.g. Fig. 1A; see para 0035: *incorporated by reference* -US Application: GAMING

DEVICE IDENTIFICATION METHOD and APPARATUS, application 09/172787, now

patented USPN: 6,488,585: col. 5, lines 12-33; *uploading* - col. 9, lines 27-40 – Note: code being

refurbished for release at a developers machine and **transferred for verification and storage** to

a central database reads on upload; and gaming regulating personnel sending game trouble report

back to central jurisdiction reads on upload; see *changing features, upgrading, adding ... feature*

to a gaming terminal, standardization of programming - pg. 6 para 0043; USPN: 6,488,585: col.

5, lines 12-33; *uploading* - col. 9, lines 27-40);

the personalized products (hereinafter PSP) are available products in the market and

indirectly accessing the storage device (e.g. Fig. 4; pg. 2, para 0017);

the transmission medium transmits the personalized program or data code to the PSP

through its interface and comprises a personal computer and a hand-held device (e.g. Fig. 4; pg.

2, para 0017; e.g. *local server 114* – Fig. 3; *Terminal 488* – Fig. 4).

As per claim 8, Wells discloses communication between the server and a transmission

medium via a network of wireless or wired transmission system (e.g. *lan line* - pg. 3, para 0030;

pg. 7, para 0051).

As per claim 9, Wells discloses a transmission system utilizing one modem (e.g. pg. 3,

para 0030; link *324* – Fig. 3).

As per claim 11, Wells discloses a wireless link (e.g. pg. 3, para 0030).

As per claim 12, Wells does not explicitly disclose a wireless transmission system

consisting of GSM, CDMA, GPRS; but discloses a wireless link and a handheld device (pg. 2,

para 0017; pg. 3, para 0030), hence has implicitly discloses a wireless protocol and standard

associated with the use of handheld device.

As per claim 13, Wells discloses transmission of personalized program code or data code

to the programmable personalized product through interface being a serial port or a USB port

(Fig. 4; *port* – pg. 3, para 0030 – Note: communications port from computer to gaming device

implicitly discloses a serial/parallel port or USB port).

As per claims 14-15, see claims 3-4 respectively.

As per claim 16, Wells discloses a device for updating personalized products,

comprising:

an input/output end (e.g. Fig. 1A – Note: input to the local controller or laptop, output

from the game controller board into features of the game, like video, audio output);

a programmable memory (e.g. *EEPROM* - pg. 3, para 0025), which is programmed with a

personalized program code or data code through the input/output end; and

a personalized function circuit (e.g. *gaming terminal* - Fig. 1A) which updates functions

and information according to the personalized program code or the data code stored in said

programmable memory;

a transmission medium transmitting the personalized program code from a storage or a

server; and comprises a personal computer and a hand-held device (e.g. Fig. 4; pg. 2, para 0017;

local server 114 – Fig. 3; *Terminal 488* – Fig. 4).

wherein the personalized program code or data code enables user to further develop the

personalized product (e.g. *changing features, upgrading, adding ... feature to a gaming*

terminal, standardization of programming - pg. 6 para 0043 – Note: code data being changed or

feature being added by game operators reads on data code being further developed by user; see

incorporated by reference application 09/172787, or USPN 6,488,585: col. 5, lines 12-33 – Note:

code being refurbished for release at a developers machine reads on designed by user of data

code or personalized program; *repairing, updating* - col. 9, lines 27-40 -);

the personalized program code or data being operable to be uploaded back to the storage

device (e.g. Fig. 1A; see para 0035: *incorporated by reference* -US Application: GAMING

DEVICE IDENTIFICATION METHOD and APPARATUS, application 09/172787, now

patented USPN: 6,488,585: col. 5, lines 12-33; *uploading* - col. 9, lines 27-40 – Note: code being

refurbished for release at a developers machine and **transferred for verification and storage** to

a central database reads on upload; and gaming regulating personnel sending game trouble report

back to central jurisdiction reads on upload; see *changing features, upgrading, adding ... feature*

to a gaming terminal, standardization of programming - pg. 6 para 0043; USPN: 6,488,585: col.

5, lines 12-33; *uploading* - col. 9, lines 27-40);

the personalized products (hereinafter PSP) are available products in the market and

indirectly accessing the storage device (e.g. Fig. 4; pg. 2, para 0017).

As per claims 18-19, see claims 3-4, respectively.

As per claims 20 and 21, Wells discloses a control circuit for producing control

functions (e.g. *laptop 128, game controller board* – Fig. 1A); and that the control circuit

generates voltage and control signal during programming the programmable memory (e.g. pg. 7,

para 0053; pg. 3, para 0025; Fig. 2 – Note: checking communications correctness and using of

laptop to control the download security checking/memory programming is equivalent to

providing voltage and control signal during programming of gaming device).

As per claim 22, Wells discloses circuit for decoding a personalized program (e.g. Fig.

1B; Fig. 3 – Note: processor in gaming terminal with embedded processor is equivalent to having

circuitry to decode instructions of downloaded personalized program)

As per claim 23, Wells discloses control circuit for transmission of personalized data

code in the programmable memory (e.g. pg. 3, para 0028; Fig. 1a, 4).

As per claims 24-25, see Wells (Fig. 4, Fig. 1B; Fig. 3)

As per claim 26, Wells discloses personalized product being a gaming terminal.

As per claim 27, see Wells (*EEPROM* - pg. 3, para 0025).

As per claim 28-29, Wells discloses a program code and a data code within the

programmable memory (e.g. pg. 6, *software information, installed programs* – pg. 0043; *data*

which defines – para 0046 – Note: installed data or programs reads on program and data being

part of the programmable EEPROM of terminals).

Response to Arguments

17.   Applicant's arguments filed 3/24/06 have been fully considered but they are not

persuasive. Following are the Examiner's reply to the corresponding points raised in the

Applicant's remarks.

Amendments to the Specifications and USC §112, 1st rejection:

(A)   The Applicant's attempt to remedy to the 112 rejection by adding matter in the

Specifications has been addressed above in the Specifications Objection to new matter.

Rejection under 35 USC 102(e):

(B)   Applicant has submitted that the Wells does not teach 'transmission medium' as claimed

from claims 1 and 7 (Appl. Rmrks, 2nd para - pg. 13). The Fig. 1A and 1B as put forth in the

rejection has shown that a transmission medium exists between a server and any recipient

gaming machine. And the argument on the Examiner's analogizing a laptop as a means of

transmission to a medium of transmission represented by Well does not justify why a medium

via which Wells distributes its gaming software to a network of game terminal would be any

different of a so-called transmission medium as proffered; hence the argument is non persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general

allegation that the claims define a patentable invention without specifically pointing out how the

language of the claims patentably distinguishes them from the references. In other words,

Applicant appears to convey that by claiming 'transmission medium' this medium has to be of a particular form or type (e.g. a laptop or handheld device) and what is recited by Well's server/terminal transmission system would not read on that form. It is noted that Well's terminal transmitting data like a local server can read on a personal computer; and the transmission medium as claimed recites a 'personal computer'.

(C)   Applicant has submitted that Wells fails to teach or suggest 'personalized products ... available products on the market without ability ... website; and the transmission medium ... one selected from a group ... PDA, handheld personal ... home communication apparatus' (Appl. Rmrks, pg. 13, 3rd para). As observed in the USC 112, 1st paragraph rejection and the Specification Objections, it been has established to what extent the 'without ability to access' limitation is to be treated. For example, the 'no ability to access the website' limitation has no explicit teaching from the specifications, as set forth in the USC 112, 1st paragraph; and thus, in light of the original disclosure, this limitation is treated as though the personalized product will receive the update date via an intermediate server and the rejection has met this. Moreover, the so-called 'personalized products' has been addressed in section B above. Based on the broadest interpretation to substitute for the deficiencies of the invention as recited in view of the specifications, the claim amount to interpretation as set forth in the above rejection; and the cited parts of Wells as well as those from incorporated patent 6,488,585 have met all the limitations.

Hence, the arguments are not persuasive. Therefore, the claims stand rejected as set forth in the Office Action.

Note: In the Interview Summary herein included, there are more issues in the claims that require clarification so as to put forth clearly the sequence of actions interrelating the entities

involved in a method of updating. The issues has been mentioned during the course of the

telephone contact with the representative, and not only are the interactions of elements in the

claim in need for amendments, but the very nature of the elements claimed also require a little

description; that is, more specificity in describing what is the *personalized product*, the

transmission *medium*, the *downloading* of *upgrade* (versus *programming*), i.e. what is underlying

the concept of upgrading or developing or redesigning; what constitutes programmable *program*

code or *data code* for updating *functions*; what are functions for; what is the context in which the

user performs programming or developing.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The

examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is

assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-

272-3609.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
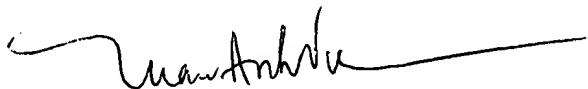
Tuan A Vu
Patent Examiner,
Art Unit 2193
August 6, 2006